



**CHARTER REVIEW SUBCOMMITTEE OF THE CITY OF SAN DIEGO
DUTIES OF ELECTED OFFICIALS SUBCOMMITTEE
CHAIR- MIKE MCDADE**

**MINUTES FOR
FRIDAY, SEPTEMBER 7, 2007, AT 10:30 A.M.**

**CONFERENCE ROOM A (12TH FLOOR),
CITY ADMINISTRATION BUILDING
202 C STREET, SAN DIEGO, CALIFORNIA**

For Information, contact Julie Dubick,
202 C Street, 11th Floor, San Diego, CA 92101
619-236-6330

10:35am Call to Order. Roll Call.

Committee Members:

Mike McDade, Chair	Present
Susan Channick	Present
Duane Roth	Present
Marc Sorensen	Present
Mark Nelson	Present

Staff In Attendance:

Catherine Bradley, Office of the City Attorney
Jo Kiernan, Office of the City Attorney
Julie Dubick, Office of the Mayor
James Ingram, Committee Consultant
Tom Haynes, Office of the Independent Budget Analyst
Keely Sweeny, Council President Peters Office

NON-AGENDA PUBLIC COMMENT

None

SUBCOMMITTEE COMMENT

Subcommittee/full committee should not be limited. It is the council's role to decide what goes on the ballot per Roth comments.

CITY ATTORNEY, COUNCIL INDEPENDENT BUDGET ANALYST AND MAYORAL STAFF COMMENT

None

ITEM – 4: Action Item: Approve Minutes from August 31, 2007 Duties of Elected Officials Subcommittee Meeting

- Approved unanimously

ITEM – 3: Action Item: Discussion, Comments and Possible Recommendation on Charter Section 40, the role of the City Attorney

- Chair's comments on importance of addressing charter provisions because city is harmed by different interpretations of authority; not necessarily the time for determination of elected versus appointed but section 40 needs revision because current situation is costly, disorganized and harmful to city.
- According to the consultant, these changes to identify client, determine who controls litigation and what happens in conflicts work today in Los Angeles.
- According to City Attorney representative, it is not appropriate for this committee to consider section 40 and the City Attorney is independent and cannot be reigned in by council.
- Per discussion, there are no current checks and balances on city attorney—if completely independent because he's elected, there need to be checks and balances in charter, which don't exist today
- Comments that these problems wouldn't exist if city attorney appointed instead of elected.
- Motion: move forward consultant's proposed language to modify section 40, deleting (g) and (d)(1) and return a redlined copy. Roth motion, Nelson second. Unanimous.
- Also, consider issues of strong mayor and possible return to city manager with regard to section 40 modifications. Recognize this not necessarily under Prop F.

ITEM – 1: Action Item: Discussion, Final Comments and Possible Recommendation on Filling Vacancies of Elected Officials

- Issue: recommend forward or recommend into parking lot?
- Motion: important issue but legally complex and better dealt with at Council Rules Committee and election task force; better in municipal code. Unanimous

ITEM – 2: Action Item: Discussion, Final Comments and Possible Recommendation on charter changes re: Budgetary Authority

- Motion by Roth, Channick second to remove from current consideration.
- 4-1 with Sorenson dissenting

Agree to ½ meeting on 9/21 to review section 40 changes